

Decision 02-08-029 August 8, 2002

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of the Application of the City of Los Angeles to construct one public at-grade railroad crossing at Mason Avenue across the Los Angeles County Metropolitan Transportation Authority (LACMAT)/Amtrak/Union Pacific (UP) track and right of way; in support of the application, to make safety improvements at five adjacent crossings and physically vacate a street and close the existing public at-grade crossing at Doran Street across the LACMAT/Amtrak/UP track in the City of Los Angeles, County of Los Angeles, California.

Application 98-06-054  
(Filed June 22, 1998;  
Petition for Modification  
filed March 18, 2002)

**ORDER MODIFYING DECISION 98-12-020**

By Decision (D.) 98-12-020, dated December 3, 1998, in Application (A.) 98-06-054, City of Los Angeles (City) was granted Commission authority to (a) construct an at-grade crossing at Mason Avenue across the Los Angeles County Metropolitan Transportation Authority (LACMTA)/Amtrak/Union Pacific Railroad Company (UP) track and right-of-way, (b) make safety improvements at five adjacent crossings, namely Devonshire Street, De Soto Avenue, Winnetka Avenue, Corbin Avenue and Tampa Avenue crossings, and (c) physically close and vacate the existing public at-grade crossing of the LACMTA/Amtrak/UP track at Doran Street in the City of Los Angeles, Los Angeles County.

On March 18, 2002, City filed Petition for Modification of D.98-12-020, stating that subsequent to issuance of D.98-12-020, based on community input,

additional technical studies, and City Council action, the closure of the nearby Goodwin Avenue crossing rather than the Doran Street crossing became the City's preferred alternative. City stated that its technical analysis found that closing Goodwin Avenue crossing would have the same positive benefit on rail operations and result in positive noise and traffic benefits to the nearby residential neighborhood.

City conducted detailed traffic studies, which found that while the closure of Goodwin Avenue crossing would cause no significant impact to vehicular traffic, the closure of Doran Street crossing would result in a vehicular traffic impact to the surrounding businesses and residents. Specifically, roadway and signal modifications would be required at and near the Broadway/Brazil Streets Crossing to mitigate some of the impact. The City of Los Angeles Fire Department suggested that if the Doran Street crossing were to be closed, to maintain a reasonable response time to the businesses and industries on the west side of the railroad track, it would prefer the City provide an emergency vehicle access across the railroad tracks.

By letter dated March 5, 2002, the Southern California Regional Rail Authority (SCRRA), which operates Metrolink commuter rail service over the LACMTA track and right-of-way, expressed no objections to the City's proposal.

City of Glendale, which borders the City of Los Angeles at the Goodwin Avenue crossing, indicated by letter dated February 27, 2002, that it has no objections to the City's proposal to close and vacate the Goodwin Avenue crossing.

City is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code (PR Code) Section 21000 et seq. Subsequent to feedback received from the community and

evaluation of alternatives that were not included in the original environmental documents submitted with A.98-06-054 to the Commission, City prepared an Initial Study and Mitigated Negative Declaration (MND). City filed the MND with the City of Los Angeles Office of the City Clerk on October 22, 2001, which found that the project will not have a significant effect on the environment.

The Commission is a responsible agency for this project under CEQA. CEQA requires that the Commission consider that portion of the environmental consequences of a project within its area of expertise that is subject to its discretionary approval. In particular, to comply with CEQA, a responsible agency must consider the lead agency's Environmental Impact Report or Negative Declaration prior to acting upon or approving the project (CEQA Guideline Section 15050 (b)). The specific activities that must be conducted by a responsible agency are contained in CEQA Guideline Section 15096.

The Commission has reviewed the City's MND with particular attention to the issues of safety, security, transportation and noise, which are within its permitting authority. The MND identified no potential environmental impacts related to safety, security and noise. The MND did identify two potential transportation impacts related to the project alternative, which involved closure of the Doran Street at-grade crossing. However, on December 26, 2001, the City filed a Notice of Determination approving the alternative involving closure of the Goodwin Avenue crossing, which required no mitigation measures to be adopted. We find that the City's environmental documents are adequate for our decision making purposes and we find that the City adopted a reasonable project alternative. We will adopt the City's findings for purposes of our approval.

After an in-depth review of this matter by Consumer Protection and Safety Division-Rail Crossings Engineering Section staff, it appears the City

should be granted its request to close and physically vacate the Goodwin Avenue crossing rather than the Doran Street crossing as indicated in Ordering Paragraph No. 3 on Page 5 of D.98-12-020, dated December 3, 1998.

Notice of the Petition for Modification of D.98-12-020 was published in the Commission's Daily Calendar on March 19, 2002. No protests have been received. A public hearing is not necessary. This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

### **Findings of Fact**

1. City requests Commission authority to close and physically vacate the Goodwin Avenue crossing rather than the Doran Street crossing as ordered in Ordering Paragraph No. 3 on Page 5 of D.98-12-020, dated December 3, 1998.

2. City is the lead agency for this project under the CEQA. On December 26, 2001, City filed with the City of Los Angeles Office of the City Clerk a Notice of Determination, which adopted a project alternative including closure of the Goodwin Avenue at-grade railroad crossing and found that the project will not have a significant effect on the environment.

3. The Commission is a responsible agency for this project under CEQA. We find that the City adopted a reasonable project alternative which did not require the adoption of mitigation measures. We will adopt the City's findings for purposes of our approval.

4. City, SCRRA, City of Glendale, and staff of the Commission's Consumer Protection and Safety Division- Rail Crossings Engineering Section are in agreement with the City's request.

**Conclusion of Law**

Petition for Modification of D.98-12-020 in A.98-06-054 should be granted as set forth in the following order.

**O R D E R**

**IT IS ORDERED** that:

1. The City of Los Angeles is authorized to close and physically vacate the existing Goodwin Avenue crossing, identified as CPUC Crossing No. 101VY-6.79, rather than the Doran Street crossing, identified as CPUC Crossing No. 101VY-7.99, across the Los Angeles County Metropolitan Transportation Authority/Amtrak/Union Pacific Railroad Company track and rights-of-way in the City of Los Angeles, Los Angeles County as ordered in Ordering Paragraph No. 3 on Page 5 of Decision (D.) 98-12-020, dated December 3, 1998.
2. In all other respects, D.98-12-020, dated December 3, 1998, in Application (A.) 98-06-054 shall remain in full effect.
3. A.98-06-054 is closed.

This order is effective today.

Dated August 8, 2002, at San Francisco, California.

LORETTA M. LYNCH  
President  
HENRY M. DUQUE  
CARL W. WOOD  
MICHAEL R. PEEVEY  
Commissioners

Commissioner Geoffrey F. Brown,  
being necessarily absent, did not

participate.